

PTO/SB/51 (07-03)

Approved for use through 01/31/2004. OMB 0651-0033

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<b>REISSUE APPLICATION DECLARATION BY THE INVENTOR</b>	Docket Number (Optional) 1390-9CON
<p>I hereby declare that: Each inventor's residence, mailing address and citizenship are stated below next to their name. I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number <u>5,882,350</u> granted <u>March 18, 1999</u> and for which a reissue patent is sought on the invention entitled <u>POLYAXIAL PEDICLE SCREW HAVING A THREADED AND TAPERED COMPRESSION LOCKING MECHANISM</u> the specification of which</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed on <u>November 13, 2001</u> as reissue application number <u>09/992,612</u> and was amended on <u>November 13, 2001, January 28, 2003, October 6, 2003, and December 6, 2004.</u> (If applicable)</p> <p>I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p> <p><input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.</p> <p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p> <p><input type="checkbox"/> by reason of a defective specification or drawing.</p> <p><input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p> <p><input checked="" type="checkbox"/> by reason of other errors.</p> <p>At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:</p> <p>As one instance of claiming less than we had a right to claim, claim 1, as issued, required the socket portion to include an "interior volume expandable and contractable." The limitation that the "interior volume" be "contractable" is unnecessary.</p> <p>The claims pending in the reissue application are broader than those of U.S. 5,882,350 and necessitated the addition of Joseph P. Errico and Thomas J. Errico as inventors of the claimed subject matter.</p> <p>All errors are being corrected in the present reissue application up to the filing of the declaration arose without any deceptive intention on the part of the applicants.</p>	

(Page 1 of 2)

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/51 (07-03)

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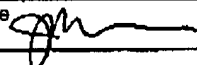
(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)				Docket Number (Optional) 1390-9CON	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.					
Note: To appoint a power of attorney, use form PTO/SB/81.					
Correspondence Address: Direct all communications about the application to:					
<input type="checkbox"/> Customer Number: <span style="border: 1px solid black; display: inline-block; width: 250px; height: 20px;"></span>					
OR					
<input checked="" type="checkbox"/> Firm or Individual Name	Carter, DeLuca, Farrell & Schmidt LLP				
Address	445 Broadhollow Road - Suite 225				
Address					
City	Malville	State	NY	Zip	11747
Country	US				
Telephone	631-501-5700	Fax	631-501-3526		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.					
Full name of sole or first inventor (given name, family name)		James D. Ralph			
Inventor's signature <i>James D. Ralph</i>		Date 5-10-05			
Residence 110 N St., Seaside Park, NJ 08752		Citizenship US			
Mailing Address PO Box 99, Seaside Park, NJ 08752					
Full name of second joint inventor (given name, family name)		Stephen Tatar			
Inventor's signature <i>Stephen Tatar</i>		Date 5/10/05			
Residence 45 Upper Mountain Avenue, Montvale, NJ 07045		Citizenship US			
Mailing Address 45 Upper Mountain Avenue, Montvale, NJ 07045					
Full name of third joint inventor (given name, family name)		Joseph P. Errico			
Inventor's signature		Date			
Residence 29 Deer Path Circle, Green Brook, NJ 08812		Citizenship US			
Mailing Address 29 Deer Path Circle, Green Brook, NJ 08812					
<input checked="" type="checkbox"/> Additional joint inventors or legal representatives are named on separately numbered sheets forms PTO/SB/02A or 021R attached hereto.					

(Page 2 of 2)

PTO/SB/51 (07-03)

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)					Docket Number (Optional) 1390-9CON	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.						
Note: To appoint a power of attorney, use form PTO/SB/81.						
Correspondence Address: Direct all communications about the application to:						
<input type="checkbox"/> Customer Number: <input type="text"/>						
OR						
<input checked="" type="checkbox"/> Firm or Individual Name	Carter, DeLuca, Farrell & Schmidt LLP					
Address	445 Broadhollow Road - Suite 225					
Address						
City	Melville	State	NY	Zip	11747	
Country	US					
Telephone	631-501-5700	Fax	631-501-3526			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.						
Full name of sole or first inventor (given name, family name) James D. Ralph						
Inventor's signature				Date		
Residence 110 N St., Seaside Park, NJ 08752				Citizenship US		
Mailing Address PO Box 99, Seaside Park, NJ 08752						
Full name of second joint inventor (given name, family name) Stephen Tatar						
Inventor's signature				Date		
Residence 45 Upper Mountain Avenue, Montvale, NJ 07045				Citizenship US		
Mailing Address 45 Upper Mountain Avenue, Montvale, NJ 07045						
Full name of third joint inventor (given name, family name) Joseph P. Erico						
Inventor's signature 				Date 4/22/05		
Residence 29 Deer Path Circle, Green Brook, NJ 08812				Citizenship US		
Mailing Address 29 Deer Path Circle, Green Brook, NJ 08812						
<input checked="" type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.						

(Page 2 of 2)

PTO/SB/02A (07-03)  
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<b>DECLARATION</b>		<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet	
		Page <u>3</u> of <u>3</u>	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Thomas J.		Enrico	
Inventor's Signature <i>Thomas Enrico M1</i>		Date <u>4/22/05</u>	
Residence: City	Summit	State	NJ
		Country	US
Mailing Address 5 Crest Acre Court			
Mailing Address			
City	Summit	State	NJ
		Zip	07801
		Country	US

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature			
Residence: City		State	
		Country	
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.83. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: James D. Ralph et al.Application No./Patent No.: 09/992,612 Filed/Issue Date: November 13, 2001Entitled: **POLYAXIAL PEDICLE SCREW HAVING A THREADED AND  
TAPERED COMPRESSION LOCKING MECHANISM**

Fastenelix, LLC a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 8923, Frame 0208, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

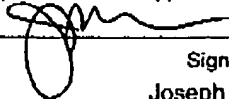
1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
\_\_\_\_\_  
Signature  
Joseph P. Errico

Printed or Typed Name

Chief Patent Counsel and Member

Title

4/22/05  
\_\_\_\_\_  
Date  
908-273-6109  
\_\_\_\_\_  
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Attorney Docket No. 1390-9CON****PATENT**

For: ☒ U.S. and/or ☒ Foreign Rights  
For: ☒ U.S. Application or ☐ U.S. Patent  
By: ☒ Inventor(s) or ☐ Present Owner

**ASSIGNMENT OF INVENTION**

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

**ASSIGNOR:** Joseph P. Errico  
Thomas J. Errico

(Inventor(s) or  
person(s) or entity(es)  
who own the invention)

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on

Reel

Frame

hereby sells, assigns and transfers to

**ASSIGNEE:**

Fastenetix, LLC  
(Type or print name of ASSIGNEE)

150 Douglas Road  
Far Hills, NJ 07931  
Address:

(Assignment of Invention **16-51**-- page 1 of 3)



ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

(Assignment of Invention [16-3]- page 3 of 3)

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this  
(Date of signing).

**WARNING:** Date of signing must be the same as the date of execution of the application if Item (a) was checked above.

  
\_\_\_\_\_  
Joseph P. Errico  
  
\_\_\_\_\_  
Thomas J. Errico

Dated 4/22/05

Dated 4/22/05

If ASSIGNOR is a legal entity complete the following information

Joseph P. Errico  
Type or print the name of the above person  
authorized to sign on behalf of ASSIGNOR  
Manager - Member  
Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.  
1 1 Notarization or Legalization Page Added

(Assignment of Invention **16-31**)-- page

4 of 3





Creation date: 10-28-2005  
Indexing Officer: TNGUYEN85 - TUAN NGUYEN  
Team: ZZZFEP  
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1	NOA	5
2	892	1

Total number of pages: 6

Remarks:

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